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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,676	05/10/2001	Gustaf T. Appelberg	814-067.037-1	5088
4955	7590	11/13/2003	EXAMINER	
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			VO, TUYET THI	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 11/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,676

Applicant(s)

APPELBERG ET AL.

Examiner

Tuyet Vo

Art Unit

2821

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35-38 is/are allowed.
- 6) ☒ Claim(s) 18-22 is/are rejected.
- 7) ☒ Claim(s) 23-34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 27 October 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. The finality of the previous action is withdrawn due to the entry of the amendment filed October 27, 2003 with respect to claims 18-38 being considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 18-22 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Chien (US Pat. 5,806,960), hereinafter Chien ref. 960 in view of Chien (US Pat. 5,775,016), hereinafter Chien ref. 016.

Regarding claim 18, Chien ref. 960 discloses a safety lighting apparatus (Fig. 11) comprising:

an electro-luminescent panel stripe (420);

a source of direct current (418) voltage;

means (500, 501) electrically coupled to a DC voltage source (418) for providing an electrical power to the EL panel stripe (420); and

the electrical power means (500, 501) further comprising control means (500) for illuminating the EL panel stripe from a non-illuminated state to an illuminated state without any operator invention in response to input trigger event (505).

However, Chien ref. 960 does not disclose the EL panel stripe being used in buildings.

Chien ref. 016 discloses a lighting system using EL panel stripe (Figs. 1-17) as safety guide during emergency used in buildings (col. 2, lines 41-67 and col. 3, lines 1-15 and lines 23-29).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply EL panel stripe in any place needed such as stairways/doorways of buildings as taught by Chien ref. 016 into Chien ref. 960 in order to extend the EL panel stripe as desired for safety guidance or an aesthetical vision purpose.

Regarding claims 19-22, both ref. 960 and 016 of Chien describe substantially the claim invention as noted above and the ref. 016 further teaches EL panel stripes are used as a safety guide passage at a low level paths in a number of places such as in a hallway leading to exit doors (Fig. 6)

Allowable Subject Matter

4. Claims 35-38 are allowed.
5. Claims 23-34 and 36 and are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to suggest a power means comprising an El power supply having an input coupled to the line side of an electrical switch supplying commercial AC and to the DC voltage source in the absence of AC power at the line side of the electrical switch as required in claims 23 and 35 or a self-diagnostic testing means detecting electric short circuit and an electrical open circuit of an EL panel as required in claims 25 and 36-38.

Correspondence

Art Unit: 2821

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyet Vo whose telephone number is 703 306 5497. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 703 308 4856. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956

A handwritten signature in cursive script, appearing to read 'Tuyet Vo', is written over a horizontal line.

Tuyet Vo

November 6, 2003